IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DWAYNE GRAY MILLER, JR.,	)	
Plaintiff,	)	**Civil Action No. 7:20cv00323**
	)	
v.	)	**MEMORANDUM OPINION**
	)	
HAROLD CLARKE,	)	**By: Michael F. Urbanski**
Defendant.	)	**Chief United States District Judge**

Plaintiff Dwayne Gray Miller, Jr., a Virginia inmate proceeding pro se, filed a civil action pursuant to 42 U.S.C. § 1983. Miller's original complaint alleged no facts against or conduct committed by the named defendants, however. To state a cause of action under § 1983, a plaintiff must allege facts indicating that he has been deprived of rights guaranteed by the Constitution or laws of the United States and that this deprivation resulted from conduct committed by a person acting under color of state law. West v. Atkins, 487 U.S. 42 (1988). The court conditionally filed Miller's complaint, advised him that the complaint was deficient because it failed to allege facts against or conduct committed by the defendants, and gave Miller the opportunity to amend the complaint. See ECF No. 10. Miller filed an amended complaint against Harold Clarke, but still does not allege any facts against or conduct committed by Clarke. See ECF No. 11. Accordingly, the court will dismiss this action without prejudice pursuant to 42 U.S.C. § 1997e(c)(1), for failure to state a claim.[1]

ENTER: This 31st day of July, 2020.

Mike Urbanski
cn=Mike Urbanski, o=US Courts, ou=Western District of Virginia, email=mikeu@vawd.uscourts.gov, c=US
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Michael F. Urbanski
Chief United States District Judge

[1] Miller's amended complaint alleges, in toto: "My 8th Amendment right was violated as medical staff and facility staff did not respond reasonably to the risk of my medical needs leaving me in excruciating pain and bleeding." The court notes that in addition to failing to identify any action or inaction by Clarke, Miller's allegations are far too vague to state a claim against anyone.